



MAIL STOP ISSUE FEE
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Norbert MITLMEIER et al.
Application No: 10/088,166
Filed: March 15, 2002
Conf. No.: 8836
Art Unit: 2836
Examiner: Zeev KITOV
For: CONTROL SYSTEM FOR AN ELECTROMAGNETIC SWITCHING
DEVICE AND ELECTROMAGNETIC SWITCHING DEVICE
CORRESPONDING THERETO

Attorney Docket No.: 32860-000284/US

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

August 20, 2004

COMMENTS ON REASONS FOR ALLOWANCE

Sir:

In reply to the Notice of Allowance mailed May 21, 2004, the following comments are submitted in connection with the above-identified application.

REMARKS

Claims 1-37 remain allowed in connection with the present application.

In the Examiner's Statement of Reasons for Allowance, the Examiner quotes language of only independent claim 1; language which is not present in either of independent claims 8 and

31. Further, the Examiner does not expressly limit the Statement of Reasons for Allowance to only claim 1. Applicants submit these comments to ensure that claims 8 and 31 are not limited in any way by the Examiner's Statement of Reasons for Allowance made utilizing only claim limitations of claim 1.

The Examiner utilizes language, some which is not present in each of the independent claims; and thus the Examiner's Statement of Reasons for Allowance cannot, in any way, unduly limit any of the claims other than claim 1 and claims dependent thereon. As Applicant's claims should be limited only by the terms utilized therein, Applicant hereby submits these Comments on the Examiner's Reasons for Allowance in an effort to ensure that the claims are not improperly construed based upon limitations not present therein and/or to ensure that the claims are not interpreted so as to include any additional claim limitations.

Claim 1 is directed to a method and includes limitations somewhat similar to that set forth in the Examiner's Statement of Reasons for Allowance. Claim 8 is directed to a switching device and does not include the "-ing" step-type limitations set forth in the Examiner's Statement of Reasons for Allowance and thus should not be limited by and should not be interpreted to include any such limitation not present therein. For example, claim 8 does not include any type of determining or coupling as set forth in claim 1, and thus should not be limited as such. Still further, claim 31 is also not even directed to a method, and thus does not include and thus should not be limited to any of the "-ing" step-type limitations of determining or coupling as set forth in the Examiner's Statement of Reasons for Allowance. Thus, the Examiner's Statement of Reasons for Allowance apply, at best, to claim 1 and do not apply to either of independent claims 8 and 31, and all claims dependent thereon.

While Applicants agree that each of independent claims 1, 8 and 31 distinguish from the prior art and are allowable over the art, each of independent claims 8 and 31 should be interpreted solely based upon limitations present therein. Thus, these Comments are submitted herewith to ensure that each of independent claims 8 and 31, and each of the claims dependent thereon, are limited only by the limitations present therein, and are not in any way unduly limited by the Examiner's Statement of Reasons for Allowance.

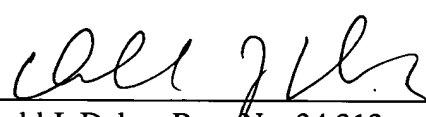
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, Reg. No. 34,313 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY & PIERCE, P.L.C.

By


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